



February 23, 2001

SENATE BILL No. 157

DIGEST OF SB 157 (Updated February 20, 2001 5:38 PM - DI 71)

Citations Affected: IC 10-1; noncode.

Synopsis: State police service on riverboats. Provides that the superintendent of the state police department may not require an employee to involuntarily serve on a riverboat if the employee objects as a matter of conscience to service on a riverboat. Provides that an employee of the state police department may not be discharged, demoted, temporarily suspended, or disciplined for refusing assignment to a riverboat if as a matter of conscience the employee refuses to serve on a riverboat.

Effective: January 1, 2000 (retroactive).

**Ford, Adams K, Harrison,
Young R Michael, Wyss, Johnson**

January 8, 2001, read first time and referred to Committee on Public Policy.
February 22, 2001, amended, reported favorably — Do Pass.

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SB 157—LS 7320/DI 92+



February 23, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 157

A BILL FOR AN ACT to amend the Indiana Code concerning law enforcement.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-1-1-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: Sec. 3. (a) The
3 superintendent, with the approval of the board, shall have authority to
4 formulate and adopt into effect such rules for the government of the
5 department as, from time to time, seem fit to him. He shall, with the
6 approval of the board, establish a classification of ranks and grades and
7 positions in the department, and for each rank, grade, and position he
8 shall designate the authority and responsibility within the limits of this
9 chapter. For each such rank, grade, and position so established, the
10 superintendent shall set standards of qualifications, in conformity with
11 the most approved plans and standards adopted in other states,
12 dominions, and provinces, and he shall fix the prerequisites of training,
13 education, and experience, and the board shall, with the approval of the
14 budget agency and the governor, prescribe the salaries to be paid.
15 (b) The superintendent, with the approval of the board, shall, from
16 time to time, in accordance with the rules adopted by him, designate
17 the rank, grade, and position to be held by each employee of the

SB 157—LS 7320/DI 92+



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1 department, until such person shall be by him designated to hold
2 another rank, grade, or position. He shall have authority to assign and
3 reassign each employee of the department to serve at such stations, and
4 within the limits of this chapter, to perform such duties as he shall
5 designate. He shall have the authority to determine the conditions and
6 amounts of bonds to be required in appropriate cases.

7 (c) The superintendent may, with the approval of the board and the
8 budget agency, accept for use by the department a motor vehicle
9 forfeited under IC 16-42-20-5. When the department accepts such a
10 vehicle, it shall pay all proper expenses of the proceedings for
11 forfeiture and sale, including expenses of seizure, maintenance of
12 custody, and advertising and court costs.

13 **(d) The superintendent may not require an employee to**
14 **involuntarily serve on a riverboat licensed under IC 4-33 when the**
15 **employee objects as a matter of conscience to service on a**
16 **riverboat.**

17 SECTION 2. IC 10-1-1-6 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: Sec. 6. (a) The
19 superintendent may discharge, demote, or temporarily suspend any
20 employee of the department, for cause, after preferring charges in
21 writing. Such charges may be based on any violation of the laws of the
22 state of Indiana, or any violation of the rules of the department which
23 have been approved by the board. A copy of such charges shall be
24 personally delivered to the employee so charged by his immediate
25 commanding officer. Any employee so charged shall have a right to
26 answer such charges in a personal appearance before the
27 superintendent, and said appearance shall be set by the superintendent
28 not less than five (5) days after the delivery of the copy of the written
29 charges to such employee. Pursuant to such charges and after such
30 personal appearance, disciplinary action taken by the superintendent
31 shall be subject to review at a public hearing before the board if such
32 hearing is demanded by the disciplined employee within fifteen (15)
33 days after receiving notice of such disciplinary action. Such notice shall
34 be by certified mail, return receipt requested, and shall be addressed to
35 the employee at his last known place of residence. If any such
36 employee fails to request a hearing before the board within fifteen (15)
37 days after receiving notice of disciplinary action, as provided in this
38 section, the decision and action of the superintendent shall be final and
39 not subject to review.

40 (b) Any employee who requests a hearing before the board, as
41 provided in this section, may be represented by counsel. The attorney
42 general shall appear in all such cases representing the interests of the

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people of the state of Indiana, and the state shall carry the burden of proving any charges giving rise to such hearing. The procedure in all hearings before the board shall be informal and without recourse to the technical common law rules of evidence required in proceedings in judicial courts. The board shall designate a reporter for said hearing, and after all evidence has been introduced, the board shall make an informal finding of facts and a determination based upon said facts.

(c) The board shall notify the employee of its findings and determination by certified mail, return receipt requested, addressed to the employee at his last known place of residence, and any employee aggrieved by such determination may seek judicial review by following IC 4-21.5-5.

(d) Probationers may be discharged, demoted, or temporarily suspended without right to a hearing before the board.

(e) No employee shall be discharged, demoted, temporarily suspended, or disciplined because of political affiliation, nor shall any such action be carried out after his probationary period, except as provided in this chapter.

(f) An employee may not be discharged, demoted, temporarily suspended, or disciplined for refusing assignment to a riverboat licensed under IC 4-33 if as a matter of conscience the employee refuses the assignment to a riverboat.

(g) Nothing in this chapter shall be construed so as to prevent the exercise of disciplinary measures by commanding officers within the department pursuant to the rules approved by the board.

SECTION 3. [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]

(a) This SECTION applies to an employee of the state police department who was discharged before January 1, 2001, for actions immune to disciplinary measures under IC 10-1-1-6, as amended by this act.

(b) The superintendent of the state police department shall reinstate, with back pay, any employee described in subsection (a).

(c) This SECTION expires January 1, 2002.

SECTION 4. An emergency is declared for this act.



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SENATE MOTION

Mr. President: I move that Senator Adams K be added as second author of Senate Bill 157.

FORD

SENATE MOTION

Mr. President: I move that Senator Harrison be added as coauthor of Senate Bill 157.

FORD

SENATE MOTION

Mr. President: I move that Senators Young R Michael, Wyss and Johnson be added as coauthors of Senate Bill 157.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 157, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 14, delete "." and insert "**when the employee objects as a matter of conscience to service on a riverboat.**".

Page 3, line 19, delete "." and insert "**if as a matter of conscience the employee refuses the assignment to a riverboat.**".

and when so amended that said bill do pass.

(Reference is to SB 157 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 1.

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